

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RYAN DEAN HEATH,

Defendant.

09-CR-2003-LRR

**ORDER**

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The matter before the court is Defendant Ryan Dean Heath's Motion to Suppress ("Motion") (docket no. 14).

On March 5, 2009, Defendant filed the Motion. On March 17, 2009, the government filed a Response (docket no. 20) to the Motion. On March 20, 2009, United States Magistrate Judge Jon S. Scoles held a hearing ("Hearing") on the Motion.

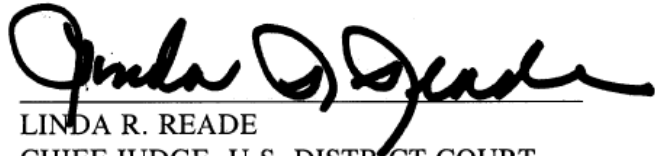
On March 24, 2009, Judge Scoles Issued a Report and Recommendation (docket no. 28) recommending the undersigned deny the Motion as moot. The Report and Recommendation stated "that within ten (10) days after being served a copy of [the] Report and Recommendation, any party may serve and file written objections with the district court." Report and Recommendation at 2.

The time to object to the Report and Recommendation has expired. Defendant has thus waived his right to de novo review of the Motion. *See, e.g., United States v. Rodriguez*, 484 F.3d 1006, 1010-11 (8th Cir. 2007) ("[Defendant]'s 'failure to file any objections waived his right to de novo review by the district court of any portion of the report and recommendation of the magistrate judge as well as his right to appeal from the findings of fact contained therein.'" (quoting *United States v. Newton*, 259 F.3d 964, 966 (8th Cir. 2001))). The court has reviewed the record and finds no plain error in the Report and Recommendation. Accordingly, the court **ADOPTS** the Report and Recommendation

(docket no. 28) and **DENIES** the Motion (docket no. 14).

**IT IS SO ORDERED.**

**DATED** this 22nd day of April, 2009.

A handwritten signature in black ink, appearing to read "Linda R. Reade", written over a horizontal line.

LINDA R. READE  
CHIEF JUDGE, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA